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Chairman: Mrs. FLORES (Uruguay)

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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 139: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW (A/48/580)

1. Mr. ZACKLIN (Deputy Legal Counsel), introducing the report of the Secretary-General on the United Nations Programme of Assistance in the teaching, study, dissemination and wider appreciation of international law (A/48/580), said that it was most fitting that the Committee should be considering that item immediately after the United Nations Decade of International Law, since the teaching, study, dissemination and wider appreciation of international law had been accorded a prominent place in the successive programmes of activities of the Decade. In that connection, he pointed out that the Programme was very useful in helping junior staff of Foreign Ministries and teachers of international law, particularly from developing countries, increase their knowledge in that area. That aspect had acquired an added dimension in light of the needs of the new countries which had recently emerged on the international scene.

2. By and large, the report followed the format of previous years. The introduction contained the legal framework of reference for activities within the Programme and stressed its connection with the goals of the United Nations Decade of International Law.

3. Section II described the activities carried out in 1993 by various units of the United Nations Secretariat, namely, the United Nations Office at Geneva and the Office of Legal Affairs, and the activities of the United Nations Institute for Training and Research (UNITAR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

4. He drew attention to paragraphs 66 to 72 of the report concerning the issuance in all the official languages of the United Nations of the summaries of the judgements, advisory opinions and orders of the International Court of Justice (1948-1991). That had been done within the existing appropriations.

5. As far as the International Law Fellowship Programme was concerned, paragraphs 76 to 79 of the report described the circumstances which had led the United Nations to assume the entire burden of the Programme, which previously had been shared with UNITAR. As a result, the implementation of the Fellowship Programme was being reviewed in order to arrive at the most appropriate and cost-effective arrangement.

6. With regard to section III, he said that in formulating the guidelines and recommendations regarding execution of the Programme of Assistance in the biennium 1994-1995, within the framework of the United Nations Decade of International Law, account had been taken of the fact that the relevant resolutions did not provide new budgetary resources for the teaching, study, dissemination and wider appreciation of international law. They were based on the understanding that those activities would be financed from within existing

appropriations and by voluntary contributions from States. Accordingly, the guidelines recommended that the United Nations and other agencies should continue the activities under the Programme and should develop and expand them only if new funds became available.

7. Section IV of the report set out the administrative and financial implications of United Nations participation in the Programme. The regular budget for the biennium 1992-1993 contained an appropriation of US$ 316,000 to finance fellowships and travel grants; the proposed programme budget for the biennium 1994-1995 contained an appropriation of US$ 323,000 for the same purpose. Section IV also referred to voluntary contributions towards the implementation of the Programme. It should be noted, in that connection, that voluntary contributions were governed by the principle that States, organizations and individuals could freely choose the component of the Programme towards which they wished their respective contributions to be applied. As could be seen from paragraphs 146 to 150 of the report, the number and amount of contributions varied greatly from one component of the Programme to another. He recalled that, as stated in section IV, paragraph 1 of the annex to General Assembly resolution 47/32 on the United Nations Decade of International Law, States and other public or private bodies were encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

8. Finally, section V contained a summary of the debate which had taken place at the last two meetings of the Advisory Committee on the Programme, and reflected various useful suggestions which had been made during the discussions concerning implementation of the Programme.

9. Miss CHATOOR (Trinidad and Tobago) said that the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was a means of ensuring respect for international law. Within the context of that Programme, the Geneva International Law Seminar continued to be very useful for young professionals. Accordingly the number of participants should be increased from 24, to reflect the increased membership of the Organization. That would only be possible if voluntary contributions were increased, and her delegation urged States which were in a position to do so to assist in that programme. In addition, refresher regional seminars on various aspects of international law could be organized, the cost being shared between the United Nations, the host country and various philanthropic organizations. She expressed the hope that UNITAR would continue its primary role of organizing courses and seminars on various aspects of public international law; noting that representatives of many developing countries, including her own, participated in those seminars.

10. Her delegation supported the proposal that different institutions, both inside and outside the United Nations system, be associated with the Programme of Assistance. National institutions that offered courses in international law and international relations could be considered for participation in the

(Miss Chatoor, Trinidad and Tobago)

Programme. The close association and cross-fertilization of ideas would enhance the quality of the Programme. In that regard she pointed out that the Faculty of Law of the University of the West Indies in Barbados offered a course in environmental law for final year students working for a Bachelor of Law's degree.

11. Her delegation noted the growing interest in the legal aspects of peace-keeping operations. Legal advisers attached to such operations should be equipped to tackle the legal problems that might arise. International humanitarian law had not yet been fully developed and greater emphasis should be placed on that issue during training programmes. Other issues, such as procurement of goods and services, privileges and immunities of members of the peace-keeping operations, personal injury, deaths and damage to property, could also be considered.

12. Her delegation appreciated the invaluable work done by the International Committee of the Red Cross (ICRC) on the question on the protection of the environment in times of armed conflict. She agreed that instead of codifying them, it would be more productive to ensure increased compliance with and wider dissemination of existing rules on the subject. Accordingly lectures and seminars had been organized in Trinidad and Tobago to familiarize members of the armed forces with the relevant provisions of the four Geneva Conventions of 1949.

13. She supported the proposal that the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict should be circulated to Governments with a request for their comments. However, more work must be done on the development of rules for the protection of victims of non-international armed conflict. She hoped that ICRC or the International Law Commission could review the subject and submit proposals.

14. Her delegation supported the proposal that a United Nations congress on public international law should be held in 1995; it could serve to enhance the role of international law. Financial assistance must be provided in order to ensure that representatives of developing countries could attend the congress. There should be equitable representation of all regions and legal systems.

AGENDA ITEM 144: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION (continued) (A/C.6/48/L.6, L.7 and L.8)

15. Mr. HERNAL (Austria), introducing draft resolution A/C.6/48/L.6, said that the 27 original sponsors listed in the document had been joined by Germany, Hungary, Kenya, Nigeria and Spain. The draft resolution referred in general to some of the activities undertaken by the United Nations Commission on International Trade Law in 1992; he drew attention to paragraphs 5 and 6 which concerned the participation of members without the financial means to attend the Commission's sessions.

(Mr. Hernal, Austria)

16. With regard to document A/C.6/48/L.7, he said that the 15 sponsors listed in the document had been joined by Germany, Hungary, Kenya, Nigeria and Spain. The draft resolution took note with satisfaction of the completion and adoption by the Commission of the Model Law on Procurement of Goods and Construction, and recommended that States give favourable consideration to the Model Law when they enacted or revised their procurement laws.

17. Draft resolution A/C.6/48/L.8 whose sponsors included Hungary and Nigeria in addition to those listed in the document, dealt with another achievement of UNCITRAL, namely, the United Nations Convention on the Carriage of Goods by Sea, 1978, known as the Hamburg Rules. The Convention had entered into force on 1 November 1992 and, as was the usual practice whenever a convention prepared under the auspices of UNCITRAL, came into effect, the draft resolution invited all States to consider acceding to it. He concluded by recommending that the Committee adopt all three draft resolutions.

18. Miss DAUCHY (Secretary of the Committee) said, with regard to paragraph 5 of draft resolution A/C.6/48/L.6, that, if the General Assembly decided to adopt the draft resolution, it would be authorizing an exception to the general principle that only members of United Nations organs who were elected in their personal capacity were entitled to reimbursement of their travel expenses. The Secretary-General would, at the request of those concerned and within the limits of available resources, proceed to reimburse travel expenses for attendance at sessions from that fund, at the rate of one representative per State, in the situation outlined in paragraph 5. He would deal with the requests in the order in which they were received.

Draft resolution A/C.6/48/L.6

19. The CHAIRMAN said that, unless she heard any objection, she would take it that the Committee wished to adopt the draft resolution.

20. Draft resolution A/C.6/48/L.6 was adopted.

Draft resolution A/C.6/48/L.7

21. The CHAIRMAN said that, unless she heard any objection, she would take it that the Committee wished to adopt the draft resolution.

22. Draft resolution A/C.6/48/L.7 was adopted.

Draft resolution A/C.6/48/L.8

23. The CHAIRMAN said that, unless she heard any objection, she would take it that the Committee wished to adopt the draft resolution.

24. Draft resolution A/C.6/48/L.8 was adopted.

25. Mr. YAMAMOTO (Japan), explaining the position of his Government, said that his delegation had joined in the consensus on the three draft resolutions. With regard to draft resolution A/C.6/48/L.6, he asked for confirmation that the fund referred to in paragraph 5 was a voluntary one. Regarding draft resolution A/C.6/48/L.7, it seemed unlikely that Japan would adopt the Model Law in the near future. Finally, with regard to draft resolution A/C.6/48/L.8, Japan did not at present intend to ratify the Convention on the Carriage of Goods by Sea, because it had signed other instruments which were incompatible with those rules.

The meeting rose at 11.40 a.m.